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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,279	06/07/2001	Ritva Laijoki-Puska	1390-0124P	4240
2292	7590	10/18/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			KATCHEVES, BASIL S	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/831,279

Applicant(s)

LAIJOKI-PUSKA, RITVA

Examiner

Basil Katcheves

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4-8 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4-8 and 10-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/30/04, 5/9/01, 12/6/03, 2/19/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Applicant has cancelled claims 1, 3, 9 and 20. Pending claims 2, 4-8, and 10-19 are examined below.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 recites the limitation "said separate logically" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claims 6, 11, 12 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term and/or is indefinite. Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 2, 4-8 and 10-16 are rejected under 35 U.S.C. 102(e) as being U.S. Patent No. 5,709,099 to Blades et al.

Regarding claim 4, Blades discloses a spatial structure, inherent with walls and a ceiling, arranged for leisure (abstract) comprised of several separate spaces having different uses and different regulated climates (column 3: lines 48-57), one of the climates being a Nordic type climate (frozen water in Abstract).

Regarding claims 2, 5 and 13, Blades discloses separate spaces for different functions (column 3, lines 48-57) all enclosed in the same ice rink facility with temperatures which differ from each other.

Regarding claim 6, Blades discloses natural type areas (column 4, lines 25-30).

Regarding claim 7, Blades discloses a winter or summer temperature within the facility (Abstract- swimming or skating conditions are interchangeable).

Regarding claim 8, Blades discloses a space with water which includes an ice cover (column 9, lines 20-45).

Regarding claim 10, Blades discloses a method of presenting different climates from different geographies (Abstract- see ice skating and swimming features of facility).

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The air being regulated to freeze water or to provide a comfortable atmosphere for swimming, all enclosed in a conventional building (column 10, line 52).

Regarding claim 11, Blades discloses the temperatures as changing in order to accommodate swimming, ice skating or other recreational activities.

Regarding claim 12, Blades discloses a pool structure having a refrigerating (column 9, lines 20-30) system.

Regarding claim 14, Blades discloses a transparent wall (fig. 1: 25) for observation.

Regarding claim 15, Blades discloses a heating and refrigeration system as disclosed in the claims above and found in column 9. Refrigeration systems and heat systems inherently generate excess heat, as do typical electrical and gas temperature control systems.

Regarding claim 16, Blades discloses more than one main section with at least one section including a refrigerated area (fig. 8: see ice rink area and adjacent building page 111).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,709,099 to Blades et al. in view of Russian Patent RU 2,116,097 to Petrovich et al.

Regarding claim 17, Petrovich discloses an enclosed area for sports which includes at least four areas having plants (Drawing 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Blades by adding plants in various areas, as disclosed by Petrovich, in order to increase the aesthetics of the structure, as plants are commonly found inside buildings and frequently used to enhance the aesthetics of the interior.

Regarding claim 18, Blades discloses a pool.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,709,099 to Blades et al. in view of U.S. Patent No. 6,488,590 to Katayama.

Regarding claim 19, Blades discloses a facility for used for multi purpose recreation such as skating. However, Blades does not disclose a ski slope as one of the recreations. Katayama discloses an indoor ski slope (Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Blades by inserting the ski slope of Katayama in order to simulate an outdoor skiing climate in areas without snow.

Response to Arguments

Applicant's arguments filed 6/3/05 have been fully considered but are moot under new grounds of rejections. Regarding the examiner's "suggestions", these were mailed in error by examiner Steve Varner to the applicant. Applicant has also addressed concerns regarding the IDS submitted. The IDS has been signed by examiner Varner on 3/12/04 and is being included with this action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited patents listed on the included form PTO-892 further show the state of the art with respect to enclosed recreational facilities in general.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (571) 272-6842.

BK


Basil Katcheves

10/4/05

Primary Examiner AU 3635